

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA)	
)	
v.)	No. 1:19-cr-59
)	
DANIEL EVERETTE HALE,)	Hon. Liam O’Grady
)	
Defendant.)	Trial: April 5, 2021

DEFENDANT’S PROPOSED VOIR DIRE

Defendant, Daniel Everette Hale, by undersigned counsel, hereby respectfully requests that the following questions be included in the *voir dire* of potential jurors:

1. This is a criminal case alleging that information relating to national security was unlawfully disclosed to the public. Is there anything about the nature of such crimes, standing alone, that would affect your ability to be a fair and impartial juror in this case?
2. Have you heard or seen any news coverage about this case, or have you otherwise learned anything about the facts of this case from something you have seen or read on the internet, on social media, or through some other source?
3. Have you, or any relatives or close friends or members of your family, ever been employed by the United States Attorney’s Office, the Justice Department, or any other law enforcement agency that investigates or prosecutes crimes? If so, please identify that person and the agency he or she works or worked for. Would that employment affect your ability to be a fair and impartial juror in this case?

4. Have you, or any relatives or close friends or members of your family, ever been employed by any agency that is a part of or associated with the United States intelligence community, or with a private company or with any other entity of any type that performs work on a contract basis for or in conjunction with such an agency? If so, please identify that person and the agency or other entity he or she works or worked for. Would that employment affect your ability to be a fair and impartial juror in the case?

5. Do you, or any relatives or close friends or members of your family, have any experience working in any program for the United States military, or the United States intelligence community, that involves the operation or use of unmanned aerial vehicles, also known as drones?

6. Have you seen any part of, or are you otherwise familiar with, the documentary *National Bird* by Sonia Kennebeck?

7. Have you, or any relatives or close friends or members of your family, ever applied for and/or been granted a security clearance by the United States government to access classified information?

8. Do you believe that the testimony of a law enforcement officer is more or less credible than the testimony of any other witness simply because that person is a law enforcement officer?

9. Do you believe that the testimony of a person employed by a United States intelligence agency is more or less credible than the testimony of other witness simply because that person is employed by an intelligence agency?

10. Do you believe that the testimony of a person accused of a crime is more or less credible than the testimony of any other witness simply because that person has been accused of a crime?

11. Do you have any reservations about the presumption of innocence that has been adopted in American law - that presumption is that a defendant is presumed by law to be innocent and that this presumption remains with the defendant until the Government meets its burden of proving the defendant guilty beyond a reasonable doubt? That presumption requires that if you were asked to vote, right now, if the defendant were innocent or guilty, you would have to vote that he is innocent. Does anyone have any hesitation about that proposition?

12. When a defendant is charged with a crime by the federal government, do you assume that he must be guilty of something?

13. Have any of you formed any opinions about either prosecutors or defense attorneys which would affect you in deciding this case?

14. Do any of you feel that if a defendant chooses to exercise his legal right not to testify at his own trial that his decision not to testify implies guilt?

Respectfully submitted,

DANIEL EVERETTE HALE,
Defendant

By Counsel,

By: /s/
 Todd Richman
 Va. Bar No. 41834
 Cadence Mertz
 Va. Bar No. 89750
 Assistant Federal Public Defenders
 Counsel for Mr. Hale
 Office of the Federal Public Defender
 1650 King St, Suite 500
 Alexandria, VA 22314
 Phone: (703) 600-0845
 Fax: (703) 600-0880
 Email: Todd_Richman@fd.org

CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2021, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

/s/
Cadence Mertz
Va. Bar No. 89750
Assistant Federal Public Defender
Counsel for Mr. Hale
1650 King St, Suite 500
Alexandria, VA 22314
Phone: (703) 600-0840
Fax: (703) 600-0880
Email: Cadence_Mertz@fd.org